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RUEHLO/AMEMBASSY LONDON PRIORITY 4758  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0668  
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C O N F I D E N T I A L KATHMANDU 003216

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TAGS: [PGOV](#) [PTER](#) [MARR](#) [UN](#) [NP](#)  
SUBJECT: NEPAL: NEXT STEPS ON INTERIM CONSTITUTION,  
PARLIAMENT AND GOVERNMENT

REF: KATHMANDU 3207

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

#### Summary

¶1. (C) Speaker of the Parliament Subash Nemwang informed the Ambassador December 12 that the current parliament should have five to six days to consider the interim constitution before the Parliament promulgated it. Nemwang also suggested that the current parliament could enact some of the required election legislation instead of waiting for the interim parliament. He stressed that the Maoists could not be permitted to join the government until their combatants were in cantonments and their weapons were secured under UN monitoring. On December 12 PM Koirala's nephew Dr. Shehkar Koirala told Emboff that the interim constitution would probably be promulgated as soon as UN arms monitoring began. Dr. Koirala insisted, however, that the Maoists would not be permitted to join an interim government until all their combatants were in camps and all their weapons were locked up.

#### Expanding the Parliament

¶2. (C) The Ambassador began a December 12 meeting with Subash Nemwang, the Speaker of the Parliament, by asking whether the House of Representatives hall, which seated 205 members, had been expanded to accommodate the planned 330 members of the interim parliament. Nemwang replied that the work was finished. He added that he would need approximately two months to expand the space again to accommodate the planned 425 members of the Constituent Assembly (CA). (Note: The CA will also serve as Nepal's Parliament.) The hall would be crowded but it could be done.

#### Interim Constitution

¶3. (C) With respect to the interim constitution, Nemwang noted that he had told Prime Minister Koirala it would be wrong for the Government of Nepal (GON) to present the interim constitution to the Parliament and expect the Parliament to pass it in an hour or two. Passage should not just be a formality. Instead, after the cabinet approved it,

the Parliament needed to be allowed to handle the interim constitution as it would any other law. Its provisions would need to be debated. The Ambassador remarked that the public did not yet know what was in the interim constitution because the GON and the Maoists had negotiated it in secret. Nemwang agreed: parliamentary debate would help inform the public. The Speaker thought the process would take five to six days.

#### Using the Current Parliament; Human Rights Commissioners

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14. (C) Nemwang stated that there was no reason why the current parliament could not adopt some of the laws required to keep the peace process moving forward. He said that, if UN arms monitoring was going to take time to get going, it made sense for the current parliament to adopt election laws, for instance. Nemwang said he had passed that message to the Election Commission and the parties. A mechanism could be found to ensure that the Maoists were consulted and their input incorporated. There was no need to wait for the interim parliament to be stood up. In response to a question from the Ambassador, the Speaker said he had raised the issue of appointing commissioners to the National Human Rights Commission in his last meeting with the Prime Minister and planned to raise it in a meeting on December 13.

#### No Need to Compromise Arms Monitoring

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15. (C) The Ambassador mentioned that Communist Party of Nepal - United Marxist Leninist (CPN-UML) General Secretary M.K. Nepal had stressed the need for rapid progress in a December 10 meeting (reftel). Nepal had suggested it might be possible to separate combatants from arms and conduct

registration later. The Ambassador noted that he had argued against this approach. He welcomed the Speaker's suggestion that the current parliament could take steps now to keep the peace process moving even if UN monitoring was delayed. Nemwang, who is also from CPN-UML, said that he had spoken with Prime Minister Koirala on December 11 and that they both agreed that the Maoists could not be permitted to join an interim government until all their combatants were in cantonments and their weapons were locked up under UN observation.

#### People Increasingly Fed Up With Maoist Offenses

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16. (C) The Speaker and the Ambassador agreed that Maoist actions had yet to begin to live up to their commitments in the November 21 Comprehensive Peace Agreement. Nemwang cited the recent remarks of senior Maoist leader Dev Gurung who had said the Maoist militia would "remain with the people." The parties had resisted persistent Maoist efforts to make the militia equivalent to the police, but, Nemwang wondered if this statement meant the Maoist militia intended to keep its weapons. The Ambassador replied that he hoped that, even though the Maoists had not given up their extremist goals, they were getting stuck in a political process that was steadily reducing their ability to implement those goals. Nemwang cited the recent incident in Phikal in the Speaker's home district of Ilam where local residents had stood up to the Maoist cadre and forced them to leave. The Ambassador said that the Maoists were playing with fire in raising expectations on ethnic issues they had no intention of keeping.

#### Electoral Divisions, Maoist Ministries and Local Government

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17. (C) Nemwang emphasized that the Seven-Party Alliance had to remain unified and not allow the Maoists to divide them. The Ambassador pointed out that the U.S. always made that point, mindful that divisions would increase as the Constituent Assembly election drew closer. The Speaker stated that the Maoists were engaged in hard bargaining, but talks about seats in the interim government had only just

begun. The Maoists, he said, were also pressing the Prime Minister for a seat on the Constitutional Council (Note: the Council approves many senior government appointments) and the National Security Council. Nemwang welcomed U.S. plans to assist in restoring local government. The Speaker noted that he had wanted local governments restored when the Parliament was reinstated in May 2006 but the Maoists had balked. The process would be difficult.

#### A Different View on Timing

18. (C) PM Koirala's nephew Dr. Shehkar Koirala, who has been serving as a key peace negotiator with the Maoists, told Emboff December 12 that the interim constitution might be finished in the coming days. Dr. Koirala claimed that one reason for the urgency was that the Election Commission (EC) needed to know what sort of proportional system would be adopted and how many ballots used for the mixed first-past-the post and proportional system for the Constituent Assembly election scheduled for June 2007. The interim constitution would, he said, be finalized (for the EC's benefit) but not promulgated until the UN arms monitoring process began. (Comment: This was different from Nemwang's and the Prime Minister's publicly reported position, that arms monitoring had to be completed first.) The establishment of the interim parliament and the dissolution of the current parliament would follow immediately thereafter. Dr. Koirala emphasized, however, that the Maoists would not be allowed to join an interim government until all their combatants were in camps and their weapons were secured.

#### Comment

19. (C) In the November 8 peace agreement, the Seven-Party

Alliance and the Maoists agreed that the Maoist combatants would gather into camps and store their arms with UN verification and monitoring (and the Nepal Army would be in its barracks with a corresponding number of weapons under UN monitoring) by November 21. The two sides also promised to complete the interim constitution by November 21. The interim constitution was to be promulgated by November 26, whereupon the interim parliament was to be established and the existing parliament dissolved. While the dates were never realistic, the sequence of events mattered and still matters. The November 8 Agreement did not envision the promulgation of the interim constitution until after arms monitoring was complete. This was because the drafters -- from the Government side at least -- recognized that once the interim constitution was declared, the pressure to create the interim parliament, with Maoists in it, and then an interim government would become intense. Allowing the Maoists into government while their combatants were not yet all in camps and separated from their weapons was a recipe for disaster then. The result for Nepal's peace and security would be no less dire today.

MORIARTY